

# EXHIBIT

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**DECLARATION OF RYAN RAPP,**  
**UNIVERSITY OF MISSOURI SYSTEM**

I, Ryan Rapp, being first duly sworn upon my oath, do hereby state as follows:

1. I am the Executive Vice President for Finance and Operations of the University of Missouri System. I am also a resident of Missouri and over the age of majority. I have personal knowledge of the facts in this declaration, and those facts are true and correct to the best of my knowledge.
2. The University of Missouri System (“the University”) includes four universities, a health system and an extension division, along with numerous research parks, business incubators, health centers and affiliates.
3. In the performance of its statutory duties, the University participates with the federal government on a variety of programs, including as a contractor to the federal government, and receives federal funds for the completion of certain responsibilities.
4. The University of Missouri is a contractor with numerous federal agencies in numerous contracts anticipated to fall within the scope of the federal contractor COVID-19 vaccination mandate under Executive Order 14042. Such contracts are conservatively estimated to exceed 230 in number, with annual revenues to the University exceeding \$20 million in the 2020/21 fiscal year, and an estimated total, multi-year value exceeding \$76 million. Depending on how federal agencies interpret and apply the scope of Executive Order 14042 and

associated federal guidance, and on the extent to which agencies deploy contract clauses requiring compliance with COVID-19 vaccination requirements, the number and value of contracts affected by such requirements could be substantially greater. The amount of many of the contracts exceed the simplified acquisition threshold defined in Section 2.101 of the Federal Acquisition Regulation.

5. It is conservatively estimated that in excess of 9,000 employees have salaries supported directly by funding from the contracts noted in paragraph 4 or included within the University's facilities and administration costs ("F&A") on such contracts. Depending on how federal agencies interpret and apply the scope of Executive Order 14042 and associated federal guidance, and on the extent to which agencies deploy contract clauses requiring compliance with COVID-19 vaccination requirements, the number of such employees could be substantially greater.

6. Considering the scope of COVID-19 employee vaccination requirements identified in "COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors" issued by the Safer Federal Workforce Task Force in connection with Executive Order 14042, compliance with federal contracts incorporating clauses establishing such vaccination requirements ultimately place the University in the position of having to require COVID-19 vaccination for all or virtually all of its employees. Not counting student employees, who also would be affected by the vaccination requirements, the

University has in excess of 22,000 employees.

7. Based on the general percentage of Missourians who have chosen not to take a COVID-19 vaccine, it can reasonably be anticipated that COVID-19 vaccination requirements established in connection with federal contracts would lead a significant number of employees to resign or be terminated.

8. Some number of employees terminated by the University for refusal to comply with COVID-19 vaccination requirements established in connection with federal contracts would likely apply for unemployment benefits. Assuming such benefits were granted, this would impose a significant additional financial cost to the University.

9. Implementing compliance with federal contract clauses establishing COVID-19 vaccination requirements can reasonably be anticipated to result in significant additional costs to the University in performance of those contracts and more broadly in conducting its operations. Such significant additional costs would include, but not be limited to, resources spent on managing verification of vaccination status, review of accommodation requests, implementing accommodations, and potentially in ensuring separation of covered and non-covered employees.

10. The recruitment of qualified employees is a significant consideration by the University. It reasonably can be anticipated that COVID-19 vaccination requirements established in connection with federal contracts would limit the number of potential applicants.

11. It reasonably can be anticipated that such issues of resignations, terminations, and recruitment will interfere with the University's ability to administer services pursuant to its constitutional and statutory mission.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4<sup>th</sup> day of November, 2021.

  
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Ryan Rapp  
Executive Vice President for Finance and Operations  
University of Missouri System